

House File 565

H-1146

1 Amend House File 565 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 PIPELINE PROJECTS

6 Section 1. Section 479.25, Code 2023, is amended to read as  
7 follows:

8 **479.25 Damages.**

9 1. A pipeline company operating a pipeline or a gas  
10 storage area shall have reasonable access to the pipeline or  
11 gas storage area for the purpose of constructing, operating,  
12 maintaining, or locating pipes, pumps, pressure apparatus or  
13 other stations, wells, devices, or equipment used in or upon  
14 the pipeline or gas storage area; shall pay the owner of the  
15 land for the right of entry and the owner of crops for all  
16 damages caused by entering, using, or occupying the land; and  
17 shall pay to the owner all damages caused by the completion  
18 of construction of the pipeline due to wash or erosion of the  
19 soil at or along the location of the pipeline and due to the  
20 settling of the soil along and above the pipeline. However,  
21 this section shall not prevent the execution of an agreement  
22 between the pipeline company and the owner of land or crops  
23 with reference to the use of the land.

24 2. A claim for crop yield loss damages pursuant to this  
25 section shall not be precluded from renegotiation under section  
26 6B.52 on the grounds that the damages were apparent at the time  
27 of settlement or on the grounds that more than five years have  
28 elapsed since the date of the settlement.

29 3. A landowner or farm tenant may file an action for relief  
30 in small claims or district court for damages, including but  
31 not limited to crop yield loss damages.

32 Sec. 2. Section 479A.11, Code 2023, is amended to read as  
33 follows:

34 **479A.11 Damages.**

35 1. A pipeline company operating pipelines or underground

1 storage shall be given reasonable access to the pipelines and  
2 storage areas for the purpose of constructing, operating,  
3 maintaining, or locating their pipes, pumps, pressure  
4 apparatus, or other stations, wells, devices, or equipment used  
5 in or upon a pipeline or storage area, but shall pay the owner  
6 of the lands for the right of entry and the owner of crops on  
7 the land all damages caused by entering, using, or occupying  
8 the lands for these purposes; and shall pay to the owner of the  
9 lands, after the completion of construction of the pipeline or  
10 storage, all damages caused by settling of the soil along and  
11 above the pipeline, and wash or erosion of the soil along the  
12 pipeline due to the construction of the pipeline. However,  
13 this section does not prevent the execution of an agreement  
14 with other terms between the pipeline company and the owner of  
15 the land or crops with reference to their use.

16 2. A claim for crop yield loss damages pursuant to this  
17 section shall not be precluded from renegotiation under section  
18 6B.52 on the grounds that the damages were apparent at the time  
19 of settlement or on the grounds that more than five years have  
20 elapsed since the date of the settlement.

21 3. A landowner or farm tenant may file an action for relief  
22 in small claims or district court for damages, including but  
23 not limited to crop yield loss damages.

24 Sec. 3. Section 479B.16, subsection 1, Code 2023, is amended  
25 to read as follows:

26 1. A pipeline company granted a pipeline permit shall,  
27 subject to subsection 4, be vested with the right of eminent  
28 domain, to the extent necessary and as prescribed and approved  
29 by the board, not exceeding seventy-five feet in width for  
30 right-of-way and not exceeding one acre in any one location in  
31 addition to right-of-way for the location of pumps, pressure  
32 apparatus, or other stations or equipment necessary to  
33 the proper operation of its pipeline. The board may grant  
34 additional eminent domain rights where the pipeline company  
35 has presented sufficient evidence to adequately demonstrate

1 that a greater area is required for the proper construction,  
2 operation, and maintenance of the pipeline or for the location  
3 of pumps, pressure apparatus, or other stations or equipment  
4 necessary to the proper operation of its pipeline.

5 Sec. 4. Section 479B.16, Code 2023, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 4. The board shall not grant a liquefied  
8 carbon dioxide pipeline company the right of eminent domain  
9 under this chapter for an interstate hazardous liquid pipeline  
10 project unless the company acquires at least ninety percent of  
11 the affected route miles through voluntary easements or through  
12 preexisting easements. The company shall submit regular  
13 reports on its progress in acquiring voluntary easements as  
14 determined by the board.

15 Sec. 5. Section 479B.20, subsection 5, Code 2023, is amended  
16 to read as follows:

17 5. If the pipeline company or its contractor does not  
18 comply with the requirements of [this section](#), with the land  
19 restoration plan or line location, or with an independent  
20 agreement on land restoration executed in accordance with  
21 subsection 10, the county board of supervisors or a landowner  
22 may petition the board for an order requiring corrective action  
23 to be taken. In addition, the county board of supervisors  
24 or a landowner may file a complaint with the board seeking  
25 imposition of civil penalties under [section 479B.21](#). A  
26 landowner may supply a copy of the complaint to the county  
27 board of supervisors where the complaint originated.

28 Sec. 6. Section 479B.20, Code 2023, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 13. For the purposes of this section,  
31 "*landowner*" also includes a farm tenant.

32 Sec. 7. Section 479B.29, Code 2023, is amended to read as  
33 follows:

34 **479B.29 Particular damage claims.**

35 1. Compensable losses shall include~~r~~ but are not limited to~~r~~

1 all of the following:

2 *a.* Loss or reduced yield of crops or forage on the pipeline  
3 right-of-way, whether caused directly by construction or from  
4 disturbance of usual farm operations.

5 *b.* Loss or reduced yield of crops or yield from land near  
6 the pipeline right-of-way resulting from lack of timely access  
7 to the land or other disturbance of usual farm operations,  
8 including interference with irrigation or drainage.

9 *c.* Fertilizer, lime, or organic material applied by the  
10 landowner to restore land disturbed by construction to full  
11 productivity.

12 *d.* Loss of or damage to trees of commercial or other value  
13 that occurs at the time of construction, restoration, or at the  
14 time of any subsequent work by the pipeline company.

15 *e.* The cost of or losses in moving or relocating livestock,  
16 and the loss of gain by or the death or injury of livestock  
17 caused by the interruption or relocation of normal feeding.

18 *f.* Erosion and soil compaction on lands attributable to  
19 pipeline construction.

20 *g.* Damage to farm equipment caused by striking a pipeline,  
21 debris, or other material reasonably associated with pipeline  
22 construction while engaged in normal farming operations as  
23 defined in [section 480.1](#).

24 *h.* Damage to soil or water conservation structures caused  
25 by construction, restoration, or subsequent work by the  
26 pipeline company including but not limited to terraces, grassed  
27 waterways, water and sediment control basins, ponds, saturated  
28 buffers, and biofilters.

29 *i.* Damage to irrigation or drainage systems caused by  
30 construction, restoration, or subsequent work by the pipeline  
31 company.

32 2. A claim for ~~damage for future crop deficiency within~~  
33 ~~the easement strip~~ damages incurred under this section shall  
34 not be precluded from renegotiation under [section 6B.52](#) on  
35 the grounds that it was apparent at the time of settlement

1 ~~unless the settlement expressly releases the pipeline company~~  
2 ~~from claims for damage to the productivity of the soil.~~ The  
3 landowner shall notify the pipeline company in writing fourteen  
4 days prior to harvest in each year to assess crop deficiency.

5 3. For the purposes of this section, "landowner" also  
6 includes a farm tenant.

7 4. A landowner that incurred damage under this section is  
8 eligible for compensation for damages. A landowner may file an  
9 action for relief against a pipeline company in small claims  
10 or district court for a violation of this section or pursue  
11 remedies under section 479B.30, subsection 7.

12 Sec. 8. Section 479B.30, subsection 7, Code 2023, is amended  
13 to read as follows:

14 7. As used in [this section](#), "*damages*" means compensation for  
15 damages to the land, crops, and other personal property caused  
16 by the construction of a pipeline and its attendant structures  
17 or underground storage facility, or a compensable loss as  
18 defined in section 479B.29, subsection 1, but does not include  
19 compensation for a property interest, and "*landowner*" includes  
20 a farm tenant.

21 Sec. 9. EFFECTIVE DATE. This division of this Act, being  
22 deemed of immediate importance, takes effect upon enactment.

23 Sec. 10. APPLICABILITY. This division of this Act applies  
24 to all applications for a permit to construct a pipeline  
25 pursuant to chapter 479B filed with the Iowa utilities board  
26 on or after July 1, 2021, and to permits issued on or after the  
27 effective date of this division of this Act.

## 28 DIVISION II

### 29 EMINENT DOMAIN INTERIM STUDY

30 Sec. 11. EMINENT DOMAIN INTERIM STUDY.

31 1. The legislative council is requested to authorize a  
32 study committee to evaluate eminent domain practices and  
33 procedures applicable under Iowa law. The study committee  
34 shall make recommendations that the committee believes will  
35 improve eminent domain policy in the state including all of the

1 following:

2 a. Standards for entering land for land surveying purposes.

3 b. Review of land restoration standards.

4 c. Review of eminent domain public benefit and private-use  
5 tests.

6 d. Engineering study analysis, including all of the  
7 following:

8 (1) Engineering study standards, authority, and  
9 composition.

10 (2) Analysis of the process of company selection.

11 e. Land compensation practices and procedures.

12 f. Review of eminent domain processes and procedures.

13 g. Iowa utilities board perspectives.

14 2. The study committee shall consist of five members of  
15 the senate, three of whom shall be appointed by the majority  
16 leader of the senate and two of whom shall be appointed by  
17 the minority leader of the senate, and five members of the  
18 house of representatives, three of whom shall be appointed by  
19 the speaker of the house of representatives and two of whom  
20 shall be appointed by the minority leader of the house of  
21 representatives. The legislative council is encouraged to  
22 appoint to the interim study committee public members or direct  
23 the study committee to seek input from or to appoint members  
24 of the public.

25 3. The study committee shall meet during the 2023  
26 legislative interim and submit a report containing  
27 recommendations to the members of the general assembly by  
28 December 15, 2023.>

29 2. Title page, line 2, after <requirements,> by inserting  
30 <establishing an interim study committee,>

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HOLT of Crawford

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KAUFMANN of Cedar